

JURISDICTION:

**RHODE ISLAND**

General Reference:

This chapter summarizes Rhode Island State statutes related to speed.  
General Laws of Rhode Island and Code of Rhode Island Rules (CRIR)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.<sup>1</sup> §§31-14-1 & 31-14-3 In addition, a driver is to exercise due care to avoid colliding with a pedestrian or human-powered vehicle. §31-18-8

Statutory Speed Limit:  
See Other below.

Speed in excess of the following limits is considered *prima facie* evidence that such speed was not reasonable or prudent. §31-14-2(a)  
50 MPH during the daytime<sup>2</sup> outside a business or residential district. §31-14-2(a)(2)  
45 MPH during the nighttime<sup>2</sup> outside a business or residential district. §31-14-2(a)(3)  
25 MPH in a business or residential district. §31-14-2(a)(2)  
20 MPH in a school zone<sup>3</sup> §31-14-2(a)(4)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Traffic Commission may increase or decrease the *prima facie* speed limits. §§31-14-4 & 31-14-4.1 Note: Rhode Island law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.  
II. Based on engineering and traffic investigations, a local government on streets in a business or residential district under their jurisdiction may decrease the *prima facie* speed limits. §31-14-5  
III. A local government may increase the *prima facie* speed limits on through highways and other highways with limited intersections.<sup>4</sup> §31-14-6  
IV. Based on engineering and traffic investigations, a local government on streets outside a business or residential district under their jurisdiction may decrease the *prima facie* speed limits.<sup>5</sup> §31-14-7  
V. Based on an investigation, the State Traffic Commission may establish safe maximum speed limits for bridges and other elevated structures. §31-14-12

Note: The State Traffic Commission must approve speed limit alterations by local governments on State highways. §31-14-8

Basis for a Speed Law Violation: (continued)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §31-14-9  
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the

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<sup>1</sup>Under other provisions of law, a person is also required to exercise due care to avoid colliding with pedestrians or human powered vehicles. §31-18-8

<sup>2</sup>"Daytime means from a half hour before sunrise to half hour after sunset. Nighttime means at any other time." §31-14-2(b)

<sup>3</sup>This speed limit only applies within 300 feet of school grounds and when the school is open. §31-14-2(a)(4)

<sup>4</sup>However, a local government cannot establish a daytime speed limit >50 MPH or a nighttime limit >45 MPH. §31-14-6

<sup>5</sup>However, a speed limit of <35 MPH cannot be established. §31-14-7

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right-hand curb or edge of the roadway. §31-15-2

Posted (Minimum) Speed Limit:

Other:

I. No person shall drive a vehicle equipped with solid rubber or cushion tires >10 MPH. §31-14-11

II. The State or a local government may establish "temporary traffic control zones" on highways which are undergoing construction or maintenance. §31-14-12.1

### Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Civil Violations.<sup>6</sup> §31-27-13(a)

Other:

### Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

**None** §§31-27-13(a) & 31-41.1-6(c)

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

As per the **Violation Fine Schedule**<sup>7</sup> §31-41.1-4(a) & (b)

Mandatory Min. Fine (\$):

As per the **Violation Fine Schedule**<sup>7</sup> §31-41.1-4(a) & (b)

Other Penalties:

Traffic School:

**Rehabilitative Driving Course.** The court may order an offender to attend

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<sup>6</sup>The motor vehicle code (Title 31) provides that moving violations are civil infractions unless the law makes a particular offense a misdemeanor or a felony or unless the offense is punishable by a fine of more than \$500 or by imprisonment. §31-27-13

<sup>7</sup>**Violation Fine Schedule.** The following administrative fines are assessed for certain speed law violations. I. Driving below the minimum speed (i.e., impeding traffic)-\$50; violating the basic speed rule-\$50; exceeding the posted speed limit on bridges and structures-\$50; driving in the right lane when not driving at the normal speed of traffic-\$50; and, violating the law regarding due care by drivers-\$50. II. For a 1st offense of speeding 1 to 15 MPH in excess of the posted speed limit-a fine of \$50. For a 2nd offense (within 12 months) where the speed is up to an excess of 15 MPH over the posted speed-a fine of \$10 per MPH over the speed limit. And, for a 3rd or subsequent offense (within 12 months) where the speed is up to an excess of 15 MPH over the posted speed-a fine of \$15 per MPH over the speed limit. III. For a 1st offense of speeding ≥16 MPH in excess of the posted speed limit-a mandatory fine of \$10 per MPH over the speed limit. For a 2nd offense (within 12 months) of speeding ≥16 MPH in excess of the posted speed limit-a mandatory fine of \$15 per MPH over the speed limit. And, for a 3rd or subsequent offense (within 12 months) of speeding ≥16 MPH in excess of the posted speed limit-a mandatory fine of \$20 per MPH over the speed limit. §31-41.1-4(a) & (b)

Other: a Rehabilitative Driving Course. §31-41.1-6(d)  
**School Bus Operators.** Privileges to operate a school bus suspended for up to 5 yrs if they have been convicted of a criminal "motor vehicle

Sanctions Following an Adjudication of a Speed Law Violation:  
(continued)

Other: (continued)0 driving offense" while driving any vehicle. §31-10.3-31(j)

Licensing Action:  
Type of Licensing Action  
(Susp/Rev):  
Term of License Withdrawal  
(Days, Months, Years, etc.):

**Suspension or Revocation** via a Point System<sup>8</sup>

I. Point System: Suspension-Not more than **1 year** §31-11-7 Revocation-Indeterminate Note: The law does not provide for a general period of maximum revocation.

II. Under separate statutory provisions, the court may suspend a person's license as follows: Speeds ≤15 MPH over the speed limit-Suspension for not more than **30 days**. §31-41.1-4(b)(i) Speeds >15 MPH over the speed limit-Suspension for not more than **60 days**. §31-41.1-4(b)(ii)

Mandatory Minimum Term of  
Withdrawal:

I. Point System: Suspension-10 or 30 days<sup>8</sup> Revocation-A revocation, if required, appears to be mandatory. However, the law provides for no maximum period of such mandatory revocation.

II. License suspensions via the court are **not** mandatory. §31-41.1-4 (b)(i) ( II)

Miscellaneous Sanctions  
Not Included Elsewhere:

**EMS Special Assessment.** In addition to any fine, an offender must be assessed **\$1**. §31-27-18 Note: These funds are deposited into the general State fund and, therefore, do not appear to be obligated for EMS functions.

Other Criminal Actions Related to Speeding:

Reckless Driving or Drag Racing<sup>9</sup>:

1st offense-Misdemeanor Subsequent offense-Felony §31-27-4(a)

<sup>8</sup>**Point System.** Under §31-11-7(a), the licensing agency has the authority to take licensing action (usually suspension) if an offender has committed numerous traffic law violations. The State has promulgated a regulation establishing a point system to assist it in exercising this authority. I. If an offender accumulates 8 points, their license will be suspended. A 1st suspension is for a mandatory minimum period of 10 days; a subsequent suspension is for a mandatory minimum period of 30 days. However, according to §31-11-7, a suspension cannot be >1 year. If they accumulate 12 points, their license is revoked. The period of license revocation is either indeterminate or determined according to the offense committed. II. The following points have been assigned for speeding and speed related violations: Three (3) reckless driving offenses within 1 year-12 points; >20 MPH over the speed limit-8 points; ≤20 MPH over the speed limit-1 to 5 points; reckless or negligent driving-8 points; and, other violations-1 to 3 points. CRIR 01-100-011

<sup>9</sup>It is a misdemeanor to race a horse on a public highway. The sanctions for this offense are imprisonment for not more than 10 days and/or

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### Sanctions:

#### Criminal Sanction:

#### Imprisonment (Term):

1st offense-Not more than **1 year** §31-27-13(b) Subsequent offense-**1 to 5 years** §31-17-14

#### Mandatory Minimum Term:

**None**

#### Fine (\$ Range):

1st offense-Not more than **\$500** §31-27-13(b) Subsequent offense-Not more than **\$5,000** §31-17-14

### Other Criminal Actions Related to Speeding: (continued)

#### Reckless Driving or Drag Racing: (continued)

#### Mandatory Minimum Fine:

**None**

#### Administrative Licensing Action:

#### Licensing Authorized and

#### Type of Action:

Point System-**Suspension or Revocation**<sup>8</sup> §31-11-7 & CRIR 01-100-001

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a fine of not more than \$20. §§11-1-2 & 11-22-11

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Length of Term of Licensing Withdrawal:	<u>Three (3) Reckless Driving Offenses</u> (within 1 year)- <b>Revocation</b> <sup>10</sup> §31-11-6(7)
Mandatory Action--Minimum Length of License Withdrawal:	<u>Point System</u> -Not more than <b>1 year</b> §31-11-7 <u>Revocation</u> - <b>Indeterminate</b> Note: The law does not provide for a general period of maximum revocation. <u>Three (3) Reckless Driving Offenses</u> (within 1 year)- <b>3 years</b> <sup>10</sup> §31-11-6(7)
Other:	<u>Point System</u> - <b>Suspension-10 or 30 days</b> <sup>8</sup> <u>Revocation</u> -A revocation, if required, appears to be mandatory. However, the law provides for no maximum period of such mandatory revocation. <u>Three (3) Reckless Driving Offenses</u> (within 1 year)- <b>3 years</b> <sup>10</sup> §31-11-6(7)  I. If revocation is mandatory, the registrations of any vehicles owned by the offender may be suspended unless the offender gives proof of financial responsibility. §31-32-4 II. <b>EMS Special Assessment.</b> In addition to any fine, an offender must be assessed <b>\$1</b> . §31-27-18 Note: These funds are deposited into the general State fund and, therefore, do not appear to be obligated for EMS functions. III. <b>School Bus Operators.</b> A person may have their privileges to operate a school bus suspended for up to 5 yrs if they have been convicted of a criminal "motor vehicle driving offense" while driving <u>any</u> vehicle. §31-10.3-31(j)
<u>Driving as to Endanger</u> <sup>11</sup> : Sanction: Criminal: Imprisonment (Term):	Felony §§11-1-2, 31-27-1 & 31-27-1.1  <u>Death Related Offense</u> -Not more than <b>10 years</b> §31-27-1(b) <u>Injury Related Offense</u> -Not more than <b>5 years</b> §31-27-1.1(c)
Mandatory Minimum Term of Imprisonment: Fine (\$ Range): Mandatory Minimum Fine:	<b>None</b> <b>None</b>
<u>Other Criminal Actions Related to Speeding:</u> (continued)	
<u>Driving as to Endanger</u> : (continued) Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	<b>Revocation</b> §31-11-6(1)
Length of Term of License Withdrawal Action:	<b>3 years</b> §31-11-6(1)
Mandatory Term of License Withdrawal Action:	<b>3 years</b> §31-11-6(1)

<sup>10</sup>Note: The law may only provide for this licensing action where the convictions are for reckless driving and not for drag racing.

<sup>11</sup>Death or injury as a result of vehicle operation in reckless disregard of the safety of others. §§31-27-1(a) & 31-27-1.1(a)

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Other:	I. If revocation is mandatory, the registrations of any vehicles owned by the offender may be suspended unless the offender gives proof of financial responsibility. §31-32-4 II. <b>EMS Special Assessment.</b> In addition to any fine, an offender must be assessed \$1. §31-27-18 Note: These funds are deposited into the general State fund and, therefore, do not appear to be obligated for EMS functions. III. <b>School Bus Operators.</b> A person may have their privileges to operate a school bus suspended for up to 5 yrs if they have been convicted of a criminal "motor vehicle driving offense" while driving <u>any</u> vehicle. §31-10.3-31(j)
<u>Aggressive Driving</u> <sup>12</sup> :	Probably a Civil Violation §§31-27-1 & 31-27.1-1 et seq. <b>Important.</b> "The lesser included offenses which, in total, may constitute aggressive driving, may be prosecuted separately." §31-27.1-4(b)
Sanction:	
Criminal:	
Imprisonment (Term):	<b>None</b>
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	<b>\$260 to \$500</b> §31-27.1-4(a)
Mandatory Minimum Fine:	
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<u>1st offense-Suspension</u> <sup>13</sup> §31-27.1-4(a)
Length of Term of License Withdrawal Action:	<u>1st offense-A</u> minimum of <b>30 days</b> §31-27.1-4
<u>Other Criminal Actions Related to Speeding:</u> (continued)	
<u>Aggressive Driving:</u> (continued)	
Mandatory Term of License Withdrawal Action:	<b>None</b> Licensing action is discretionary. §31-27.1-4
Other:	I. <u>1st offenders</u> may be required to attend an educational program that is designed to improve the safety and habits of drivers. <sup>13</sup> §31-27.1-44 II. <b>EMS Special Assessment.</b> In addition to any fine, an offender must be

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<sup>12</sup>"Aggressive Driving" is defined as operating a motor vehicle in violation of any speed law (§31-14-1 et seq.) and a violation of two or more of the following traffic law provisions: (1) obedience to traffic control devices (§31-13-4); (2) overtaking on the right (§31-15-5); (3) driving within a traffic lane (§31-15-1); (4) following too closely -- interval between vehicles (§31-15-12); (5) yielding right of way (§§31-15-12.1, 31-17-1, 31-17-2, 31-17-4, 31-17-6, 31-17-7 & 31-17-8); (6) entering the roadway (§§31-15-14, 31-17-3 & 31-17-5); (7) use of turn signals (§§31-6-5, 31-16-6, 31-16-8 & 31-16-9); (8) relating to school buses, special stops, stop signs and yield signs (§31-20-1 et seq.); and, (9) use of emergency break-down lane for travel (§31-15-16). §31-27.1-3

<sup>13</sup>The law does not appear to provide for either a licensing or traffic education sanction for a subsequent aggressive driving offense.

assessed \$1. §31-27-18 Note: These funds are deposited into the general State fund and, therefore, do not appear to be obligated for EMS functions III. **School Bus Operators.** A person may have their privileges to operate a school bus suspended for up to 5 yrs if they have been convicted of a criminal "motor vehicle driving offense" while driving any vehicle. §31-10.3-31(j).

Commercial Motor Vehicle (CMV) Operators<sup>14</sup>:

Grounds for Suspension:

A person CDL is suspended if while operating a CMV they either (1) commit 2 "serious traffic violations"<sup>15</sup> within a 3 year period or (2) commit 3 such violations within a 3 year period. §31-10.3-31(a)(5)

Period of Suspension:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §31-10.3-31(a)(5)

Period of Mandatory Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §31-10.3-31(a)(5)

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<sup>14</sup>A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §31-10.3-3(9)

<sup>15</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §31-10.3-3(25)

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